

REMARKS

Of the fourteen claims submitted for examination two of them, Claims 8 and 16, have been indicated to be allowable. These claims remain in the application. Of the remaining twelve claims currently in this application, all but four of them have been rejected on substantive and/or formal grounds. Four of the claims have been objected to as being dependent from a rejected claim but would otherwise be patentable if recited in independent form. Applicants have amended their claims and respectfully submit that all the claims currently in this application are patentable over the rejections of record.

Turning first to the formal ground of rejection, Claims 6 and 14 stand rejected, under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, Claims 6 and 14 depend from Claims 5 and 13, respectively. These claims have been cancelled.

Applicants have amended Claims 6 and 14 to change their dependency from Claims 5 and 13, respectively, to independent Claims 1 and 9, respectively. Insofar as Claims 1 and 9 are currently in this application, the amended dependencies of Claims 6 and 14 overcome the formal ground of rejection imposed in the outstanding Official Action.

The sole substantive ground of rejection is directed to Claims 1, 2, 6, 7, 9, 10, 14 and 15. These claims stand rejected, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent 4, 319,157 to De Vrijer in view of U.S. Patent 5,986,405 to De Maagt et al.

The Official Action avers that the principal De Vrijer reference discloses a mercury vapor discharge lamp which does not disclose the limitation that the lamp include a silver or gold salt in the concentration of between about 0.1 mg and about 30 mg per lamp. To supplement this critical omission the Official Action applies the secondary De Maagt et al. patent for its disclosure of a high pressure vapor lamp which includes a silver salt as an

oxygen dispenser for the purpose of decreasing blackening of the phosphor coatings thus increasing the luminosity of the lamp.

The combined teaching of the De Vrijer and De Maagt et al. references, the Official Action admits, is silent in regard to the concentration of the silver salt employed in the De Maagt et al. high pressure vapor lamp. The Official Action argues, however, that De Maagt et al. teaches that the amount of silver oxide is not critical and thus the claimed concentration would be within the skill of the art.

It is unnecessary to reiterate the specific grounds imposed in the outstanding Official Action in support of the rejection of dependent claims over the combined teaching of De Vrijer and De Maggt et al. Suffice it to say, these grounds are made moot by the amendment of the claims included in the present Amendment.

Applicants have previously argued that the De Maagt et al. teaching is directed to a mercury vapor discharge lamp which is distinguished from lamps within the contemplation of the present application. The outstanding Official Action has conceded this known distinction in the art between high pressure discharge lamps, of the type disclosed in De Maagt et al., and the lower pressure discharge lamps within the contemplation of the present application. However, the outstanding Official Action argues that the claims examined on the merits still read on the high pressure discharge lamps disclosed in the applied references.

Applicants have considered the remarks made in the Official Action and have amended the rejected claims to conform their language to the arguments previously advanced in response to the first Official Action on the merits. Specifically, applicants have amended their rejected claims so that they are limited to a fluorescent lamp, which the outstanding

Official Action admits is a species of low pressure discharge lamps, distinguished from the high pressure discharge lamps within the contemplation of the applied references.

Insofar as Paragraph 10 of the outstanding Official Action concedes the distinction in the art between high pressure mercury vapor discharge lamps of the type taught by the combined teaching of the applied references and low intensity discharge lamps, of which a fluorescent lamp is a species, it is apparent that the outstanding Official Action admits to the patentability of the amended claims of the present application which are directed to a class of lamps and method of making same clearly distinguished in the art from the class of lamps within the contemplation of the applied prior art references.

It is emphasized that the originally filed specification fully supports the amendment of those claims limiting the lamps within the contemplation of Claims 1-4, 6, 7, 9-12, 14 and 15 to a fluorescent lamp. Attention is directed to Paragraphs [002] and [003] of the specification wherein it is established that there is support for claims directed to a fluorescent lamp and a method of making a fluorescent lamp having the limitations set forth in amended claims of the present application.

The above remarks establish the patentability of the claims subject to rejection over the substantive ground of rejection imposed in the outstanding Official Action. Likewise, the four claims subject to objection, as being dependent from these rejected claims, Claims 3, 4, 11 and 12, are similarly patentable over the objection of record. Reconsideration and allowance of all the claims subject to rejection or objection, as well as the claims that have been allowed, is respectfully solicited.

Applicants submit that none of the three references cited but not applied in the outstanding Official Action anticipate or make obvious the claims currently in this

application. In addition, none of these references, when combined with one or both of the applied references, make obvious any of the claims currently in this application.

The above amendment and remarks establish the patentable nature of all the claims currently in this application. Notice of Allowance and passage to issue of these claims, Claims 1-4, 6-12 and 14-16, is respectfully solicited.

Respectfully submitted,



Marvin Bressler
Registration No. 25,132
Attorney for Applicants

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
516-742-4343
MB:ml